

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL)	MDL No. 146
INDUSTRY AVERAGE)	
WHOLESALE PRICE LITIGATION)	CIVIL ACTION: 01-CV-12257 PBS
)	
)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO)	
ALL CLASS ACTIONS)	Chief Magistrate Judge
)	Marianne B. Bowler

**CLASS PLAINTIFFS' MOTION TO
STRIKE DECLARATION OF STEVEN J. YOUNG**

Pursuant to Fed. R. Civ. P. 26(a)(2)(B), Fed. R. Evid. 702, Fed. R. Civ. P. 23 and other applicable law, the class plaintiffs move this Court for an order striking the Declaration of Steven J. Young filed by the Track 1 defendants in connection with the pending Motion for Class Certification.

In support therefor, plaintiffs state that at the deposition of Mr. Steven J. Young, the declarant demonstrated that he lacks the knowledge, skill, expertise, training, and education to testify regarding matters of applied economics and methodological approaches to the determination of class-wide impact and/or damages to the proposed class. Moreover, the declarant expressly conceded that he had no experience with pharmaceutical reimbursement, and to the extent that he had other experience that might serve as the basis for his testimony or expertise, he generally refused to testify about it.

In further support of this motion, the class plaintiffs submit: (i) Class Plaintiffs' Memorandum in Support of Motion to Strike Declaration of Steven J. Young; and (ii) Class Plaintiffs' Appendix to Class Plaintiffs' Motions to Strike Declarations of Steven J. Young, Robert P. Navarro, and Eric Gaier.

Rule 7.1(A)(2) Certification

Pursuant to L.R. D. Mass. 7.1(A)(2), the undersigned counsel hereby certifies that the MDL plaintiffs' class counsel have conferred with counsel for defendants in connection with this motion and have attempted in good faith to resolve or narrow the issues involved.

DATED: December 17, 2004

By /s/ Thomas M. Sobol

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CERTIFICATE OF SERVICE

I hereby certify that I, Thomas M. Sobol, an attorney, caused a true and correct copy of the foregoing **CLASS PLAINTIFFS' MOTION TO STRIKE THE DECLARATION OF STEVEN J. YOUNG** to be electronically filed with the Court pursuant to the December 16, 2004 Order and to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on December 17, 2004 a copy to Verilaw Technologies for posting and notification to all parties.

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